



PATENT APPLICATION  
CS8582  
LeA 36,354

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION OF	)
	) GROUP NO: 1626
RALF DUNKEL ET AL	)
	) EXAMINER: R. H. Havlin
SERIAL NO.: 10/544,897	)
	)
FILED: FEBRUARY 2, 2006	)
	)
TITLE: OXATHIINCARBOXAMIDES	)
	)
	)

**DECLARATION UNDER 37 CFR 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Ulrike Wachendorff-Neumann of Oberer Markweg 85, 56566 Neuwied, Germany, a citizen of Germany, declare as follows:

1. I am an entomologist having studied at the University of Bonn, Germany, where I received the degree of doctor rer. nat. in the year 1982; I specialized in the field of entomology and phytopathology; and I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1982, where I have been employed in the department for the biological development of chemical compounds for plant diseases at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.
2. I am familiar with the subject matter of the above-identified United States patent application.

3. The following experiments with the following results have been carried out under my supervision and direction:

**Sphaerotheca test (cucumbers) / protective**

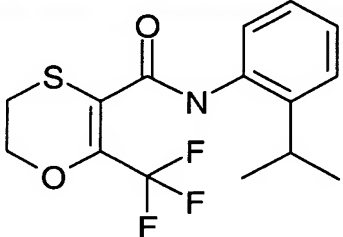
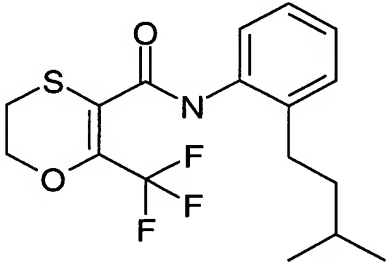
Solvent: 24.5 parts by weight of acetone  
24.5 parts by weight of dimethylacetamide  
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protect activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried on, the plants are inoculated with an aqueous spore suspension of *Sphaerotheca fuliginea*. The plants are then placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70 %.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed.

Table A: Sphaerotheca test (cucumbers) / protective

Active compound	Rate of application of active compound in ppm	Efficacy in %
<p>Comp. 53 of Hahn et al.</p> 	100	10
<p>According to the invention:</p>		
<p>Comp. 102 of CS-8582/ LeA 36354</p> 	100	98

### **Venturia test (apples) / protective**

Solvent: 24.5 parts by weight of acetone

24.5 parts by weight of dimethylacetamide

Emulsifier: 1 part by weight of alkylaryl polyglycol ether

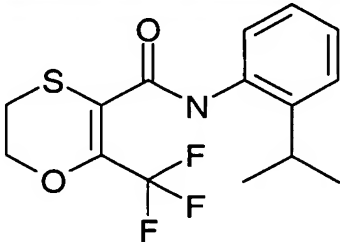
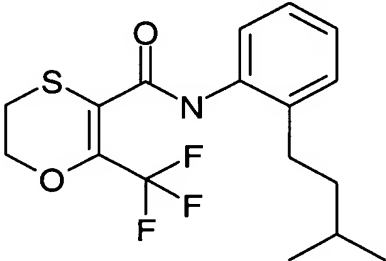
To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried on, the plants are inoculated with an aqueous conidia suspension of the causal agent of apple scab (*Venturia inaequalis*) and then remain for 1 day in an incubation cabinet at approximately 20°C and a relative atmospheric humidity of 100 %.

The plants are then placed in a greenhouse at approximately 21°C and a relative atmospheric humidity of approximately 90 %.

The test is evaluated 10 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed.

**Table B: Venturia test (apples) / protective**

Active compound	Rate of application of active compound in ppm	Efficacy in %
Comp. 53 of Hahn et al. 	100	57
According to the invention:		
Comp. 102 of CS-8582/ LeA 36354 	100	100

4. The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Signed at Monheim, this 12<sup>th</sup> day of December, 2007.

  
Ulrike Wachendorff-Neumann